



Chapter 9

PARK AND OPEN SPACE PLAN

INTRODUCTION

This chapter sets forth the Plan's park and open space element. It serves as the mechanism which links and integrates the various other elements and components of the Plan which are also considered part of the park and open space element. Chapters of this Plan are keenly interrelated with this Plan element as they are with one another. The importance of several key chapters of the Plan to this chapter is described briefly below.

Population data for the City are presented in Chapter 2 titled "Population and Employment Analyses, Projections, and Forecasts." These serve, in part, as the basis for determining the level of park service which will be needed by the City through both plan design periods. This is a crucial element for actually determining the per capita needs which must be fulfilled for each specific age group during Plan implementation.

Chapter 3, titled "Natural Resource Base Features," presents the various natural resource base features which are found in the City and prescribes various levels of resource protection to retain those features. Collectively, these natural resource features, as well as the various environmental corridors and isolated natural areas which they define, form the open space framework for the preparation of this Plan and its various elements. These features form a very important part of this Plan's park and open space element. Using the prescribed protection levels, within the context of the adoption of new zoning tools, open space areas which are held under either private or public ownership will be preserved effectively.

Chapter 4, titled "Existing Land Use and Community Character," identifies all parks and open space areas existing in the City in 1985. It also identifies their contribution to the existing community character of the various City neighborhoods, subneighborhoods, and special planning districts.

Chapter 6, titled "Development Objectives, Principles, Standards, and Urban Design Criteria," sets forth the necessary policy tools required to develop a rational park and open space element of this Plan. Through both the Plan Commission's and Common Council's adoption of Chapter 6, those policy tools form the rules for determining the various park and open space needs on a per capita basis throughout the City.

Finally, Chapter 8 titled "City Land Use and Detailed Neighborhood Plans," also when used with this chapter, describes the location, type, and areal extent of planned park and open space areas in the City through the Plan design periods. This is accomplished not only on a City-wide scale but also on neighborhood, subneighborhood, and special planning district scales.

This chapter is organized into several parts: planning for the City's parks within a larger planning context; park and open space planning and preservation techniques used by the City during the 1960s, 1970s, and 1980s; existing publicly-owned park and open space sites in the City; public park and open space needs; the park and open space plan; the typical cost of providing a neighborhood park; and park and open space plan implementation measures.

PLANNING FOR THE CITY'S PARKS WITHIN THE REGIONAL AND COUNTY PARK AND OPEN SPACE PLANNING CONTEXTS

In the City of Franklin, public parks and open space areas have historically been acquired, furnished, and maintained by the Milwaukee County Park System. The provision of suitable park and open space land to all communities in the County by the County has resulted, historically, in an equitable arrangement for all County municipalities. *Through the adoption of the City's park and open space element of this Plan, it is the stated intent of the City to have this policy carried forward, albeit in a slightly modified form, by the County as the City continues to grow.*

In 1977 the Southeastern Wisconsin Regional Planning Commission (SEWRPC) adopted SEWRPC Planning Report No. 27, *A Regional Park and Open Space Plan for Southeastern Wisconsin: 2000*. The County adopted the SEWRPC plan as the County's park and open space plan in 1978. The County then prepared its own County park plan titled *Guide for Growth* in 1979. The *Guide for Growth* has served the County (and the City of Franklin) for over a decade and continued to do so until late 1991. Then the County adopted *A Park and Open Space Plan for Milwaukee County* as an update to the *Guide for Growth*.

The *Guide for Growth* set forth six major long-range objectives for County park and open space preservation, acquisition, and development. Each is very important for the continued provision of public park and open space lands for the City by the County. They are as follows:

1. The provision of an adequate number of neighborhood parks of sufficient total acreage to satisfy the needs for the accommodation of access-oriented active and passive recreational activities of "walk-to" or neighborhood significance.

2. The provision of an adequate number of community parks of sufficient total acreage to satisfy the need for the accommodation of access-oriented active and passive recreational activities of community (multi-neighborhood) significance.
3. The provision of an adequate number of metropolitan parks of sufficient total acreage to satisfy the need for the accommodation of both access-oriented and resource-oriented active and passive recreational activities of metropolitan (county-wide) significance.
4. The provision of an adequate number of regional parks of sufficient total acreage to satisfy the need for the accommodation of extensive resource-oriented active and passive recreational activities of regional (multi-community) significance.
5. The provision of parkways (linear parks) following the courses of major perennial rivers and streams in the County including their floodplains to accommodate the need for stream, shoreline, and other trail-oriented recreational activities which are dependent upon, or enhanced by, natural resources.
6. The provision of conservation areas consisting of the remaining outstanding examples of high value natural areas for the protection of the underlying and sustaining natural resource base and the enhancement of the social and economic well-being and environmental quality of the County, including such areas as woodlands, wetlands, water areas, and fish and wildlife habitat.

The County objectives which pertain to the City of Franklin the most (from a community needs perspective) are Objectives 1, 2, 5, and 6.

In Guide for Growth, the need for additional park and parkway land acreage was determined by comparing the existing supply of park and parkway sites to the demands for such sites. The demand was determined by applying the park and open space standards to the resident population levels and distribution in the County. This process resulted in the identification of specific acreage needs for neighborhood parks, community parks, metropolitan parks, and regional parks, as well as parkway lands and recreation corridors.

The Guide for Growth recommends the acquisition and development of 46 new neighborhood and four new community parks, the acquisition of additional parkway lands, and the expansion of 17 existing County parks. A total of 3,130 acres of additional park and parkway land are proposed to be acquired for inclusion in the County park and parkway system.

With respect to the City of Franklin, Guide for Growth recommended that an additional 137 acres in the City be acquired for nine new neighborhood parks and 50 acres of land be acquired for a new community park site; that 155 acres be set aside for the expansion of Franklin Park; and another 13 acres be set aside for the expansion of Whitnall Park. With respect to the expansion of the Root River Parkway, the Guide for Growth indicated that an additional 767 acres should be acquired by the County. The total area of land recommended to be acquired for County parks in the City by the Guide for Growth was about 1,122 acres.

During the period 1988 to 1991, a new park and open space plan was prepared for the County by SEWRPC as SEWRPC Community Assistance Planning Report No. 132 titled A Park and Open Space Plan for Milwaukee County. This document addressed the park and open space needs and made recommendations for the City. The new County park and open space plan was adopted by the County in late 1991. Where relevant, these have been incorporated into the park and open space element of this City Plan.

The intent of this Plan chapter is to prepare a more detailed "City" park and open space plan within the overall framework of both the regional and County park and open space plans. In this respect, the more detailed plan will serve to augment the other two plans.

PARK AND OPEN SPACE PLANNING AND PRESERVATION TECHNIQUES USED BY THE CITY DURING THE 1960s, 1970s, AND 1980s

In addition to the City's use of the regional park and open space plan and the County's Guide for Growth plan, the City has used several other park and open space planning and preservation techniques with some success over the last several decades. These techniques have included: the development of detailed neighborhood unit development plans (which have indicated the type, location, extent, and actual planned configuration of park and open space lands planned to be preserved); zoning; and the acquisition of land by the County as part of the County Park System. Each of these methods is presented and discussed below. The City also has required park land dedication, reservation, or the payment of a fee-in-lieu-of-dedication under its subdivision control ordinance.

Neighborhood Unit Development Plans

Planning in the City has been guided over the last approximately 21 year period by neighborhood plans prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) in conjunction with the City Plan Commission. Under the SEWRPC neighborhood planning program, the City was divided into residential neighborhood units which were, typically, one square mile in area, have a planned resident population

of about 6,500 persons, planned to contain about 2,100 dwelling units, and were centered around an approximate 21.5-acre joint elementary school/neighborhood park site. Prior to the conduct of the preparation of the present Plan, the City had prepared 14 such detailed plans for residential neighborhoods which identified areas for recreation and open space use.

These concepts have been generally embraced, expanded, and elaborated upon in Chapter 6 of this Plan to also include delineated subneighborhood areas and special planning districts. The subneighborhood and special planning district areas have either unique locations, boundaries, and/or land use characteristics that warrant a more specialized approach to their ultimate development. Consequently, the provision of parks and open space to these areas will have to respond to these unique conditions.

Zoning

In 1990, the City used eight zoning district types to preserve park and recreation and/or open space lands. In 1986, the total number of acres of land zoned in these districts was 4,581 acres and represented about 19 percent of the total City area. The primary intent of each of these districts is described below.

A-2 Prime Agricultural District. This district maintains, enhances, and preserves agricultural lands historically utilized for crop production and the raising of livestock. It is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial, and industrial uses. Under this zoning classification, the large areas of agricultural lands, although farmed, are considered as rural open space.

FW Floodway District. This district is used in floodway areas to protect people and property from flood damage. It prohibits the erection of structures that would be subject to damage or that would impede the flow of water during periodic flood events. Thus, the floodways are to be maintained in open space.

FC Floodplain Conservancy District. This district preserves in essentially open space and natural uses lands which are unsuitable for intensive urban or suburban development purposes due to poor natural soil conditions and periodic flood inundation. Thus, the floodplain conservancy areas are to be maintained in open space use. The proper regulation of these areas will serve to maintain and improve the water quality, prevent flood damage, protect wildlife habitat, and prohibit the location of structures on soils which are generally not suitable for such use.

FFO Floodplain Fringe Overlay District. This district provides for, and encourages, the most appropriate use of land and water in areas subject to periodic flooding and minimizes

flood damage to people and property. Thus, the floodplain fringe areas can be developed for urban or suburban uses provided any buildings and other flood damage prone development is elevated above the regulatory height.

C-1 Conservancy District. This district is used to prevent destruction of valuable natural or cultural resources where development would result in hazards to health and safety, or would deplete or destroy natural resources or otherwise be incompatible with the public welfare. Thus, the conservancy areas are to be maintained in open space. An analysis of this district, and its lack of effectiveness for resource protection, is presented in Chapter 5.

P-1 Park District. This district provides for areas where recreational needs of the populace can be met through private as well as public park development without undue disturbance of natural resources and adjacent uses.

PDD Planned Development Districts. A PDD may be created for the purpose of permitting development that will, over a period of time, derive maximum benefit from coordinated area site planning, diversified location of structures, and mixed compatible uses. The result is the provision of a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities. This ensures adequate standards of construction and planning. The City has used this concept for the creation of several distinctive residential areas which abound in open space lands integral with the adjoining residential development.

SW Shoreland Wetland Overlay District. This district preserves, protects, and enhances the ponds, streams, and wetland areas of the City. This will serve to: maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for urban use; and protect the water-based recreation resources of the City. Thus, the shoreland wetland areas are also maintained in open space.

EXISTING PUBLICLY-OWNED PARK AND OPEN SPACE SITES IN THE CITY

Table 9.1 and Map 9.1 indicate all of the existing public and private parks located in the City. In addition, Table 9.1 indicates those park areas by ownership type, their location in the City, the type of park (i.e. regional, multi-community, community, neighborhood,

and subneighborhood), and the size of the park. This data assists the City in the determination of its park and open space needs during the planning period.

PUBLIC PARK AND OPEN SPACE NEEDS

The need for both setting aside and acquiring suitable park and open space sites at planned locations in the City is critical prior to the development of those sites for other purposes or uses. The park and open space elements of this Plan, as set forth in both this Chapter and Chapter 8, are based, in part, upon the various park size and locational criteria set forth in Chapter 6. They are also based upon design considerations, including the suitability of the various park and open space sites to accommodate such uses and their relationship to other surrounding and adjacent land uses, as well as the City's and County's entire system of parks and open space as a whole.

It is of utmost importance for the City to have the best park and open space sites properly planned and, ultimately, acquired for public use. The very best park sites can be planned far in advance of development and development's attendant increased land costs. If the planning process is delayed, the land may reach a high market value which would preclude its acquisition for park or open space use. It is important for the maintenance of the overall community health and good to make those sites ready for public use in a timely fashion as population, and its attendant needs, grow.

The plan addresses the ultimate development of those areas of the City which are not to remain rural during the foreseeable future. Within this context, however, the detailed plan elements set forth in Chapter 8 clearly delineate the year 2010 urban and suburban growth boundaries based upon the provision of sanitary sewer service to various area of the City. Thus, in some respects, the acquisition and development of those sites planned for park and open space use may be staged, or phased, as the City's Plan proceeds to be implemented and physically realized.

Park sites must be acquired and improved prior to completion of development of all surrounding land uses. The optimal approach is to implement both acquisition and improvement prior to the occurrence of 50 percent of the anticipated growth of the planning area or neighborhood which the park or open space area is to serve. In this respect, the final platting of either subdivisions or certified survey maps shall be considered as growth even if all of the platted lots are not developed. Using this strategy for park and open space acquisition and improvement will assure that park and open space sites are provided in a timely fashion responsive to community needs as those needs emerge.

Table 9.1

**EXISTING PUBLIC AND PRIVATE PARK SITES
IN THE CITY OF FRANKLIN: 1990**

<u>Site No.</u>	<u>Site Name</u>	<u>Owner Code^a</u>	<u>Type^b</u>	<u>Size (acres)</u>
1	Root River Parkway	03	R	2,110
2	Country Dale Elem. School	08	N	6
3	Ben Franklin School	08	N	4
4	Kilbourn School	08	N	5
5	Pleasant View School	08	N	11
6	Franklin High School	08	C	63
7	Sacred Hearts School	10	N	7
8	St. Pauls Lutheran School	10	N	4
9	St. James School	10	N	5
10	Herdas Field	10	N	3
11	Croatian Eagles Soccer Field	10	N	18
12	Fireman's League Ball Diamond	04	N	2
13	Whitnall Park	03	R	388
14	Franklin Woods (formerly Camp Arthur Davidson)	10	C	54
15	Legend Park	04	N	18
16	Hales Corners Speedway	11	-	40
17	Grobschmidt Park	03	C	143
18	Franklin Nursery Site	03	-	10
19	Franklin Park	03	C	140
20	City Park	04	C/N	3
21	Tot Lot	04	S	1
22	Wayside	02	-	--
23	City Park	04	S	--
24	City Park	04	S	--
25	Wildwood Inn	11	N	7
26	Forest Hill Middle School/Nature Ctr.	08	C	43
27	City Park	04	N	2
28	Franklin Park	11	-	13
29	Tuckaway Country Club	12	R	267
30	Robinwood School	08	N	3
31	Oakwood Park	08	R	278
32	Froemming Park	03	C	73
33	Crystal Ridge	03	M	110
34	Robinwood Neighborhood Park	03	N	9

Table 9.1 (continued)

**EXISTING PUBLIC AND PRIVATE PARK SITES
IN THE CITY OF FRANKLIN: 1990**

**The ownership code numbers are divided into public and nonpublic as follows:*

Public:

01-Federal
02-State
03-County
04-City
05-Village
06-Town
08-School District

Nonpublic:

10-Organizational
11-Commercial
12-Private

**Types of parks are designated as follows:*

R = Regional Park
M = Multi-Community Park
C = Community Park
N = Neighborhood Park
S = Subneighborhood Park

Note: This table does not include those recreational facilities located on publicly-owned property which are not officially designated as parks (such as the baseball diamonds located on S. 76th Street near Puetz Road).

Source: SEWRPC, Milwaukee County, City of Franklin, and Lane Kendig, Inc.

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Planned Root River Recreation Corridor

Recreation corridors are defined as trails which are at least 15 miles long and located within areas of scenic, scientific, historic, or other cultural interest. They provide opportunities for such linear outdoor recreation activities such as hiking, biking, horseback-riding, nature study, and ski-touring. The SEWRPC-prepared park and open space plan for the County lists the Root River corridor as one such facility.

The Root River Recreation Corridor is 22 miles long, of which 8.2 miles are located within the City. As indicated on Map 9.1, the corridor extends through the City in a general north/south direction. The Corridor is very important, since it links significant portions of the region: the New Berlin corridor, in Waukesha County, on the west; the Underwood Creek corridor on the north; and the Root River corridor, in Racine County, on the south.

The total Corridor is intended to provide for a variety of trail activities including biking, hiking, horseback-riding, nature study, and ski touring. Of the total 22-miles located in the County, about seven miles of trails are located within park and parkway sites. In the County, about nine miles would be developed within existing park and parkway lands; about six miles would be developed within proposed park and parkway lands.

Drexel Avenue Bicycle Route

The County plan calls for the development of a five-mile long bicycle route along the existing right-of-way of Drexel Avenue. The route is planned by the County to extend from the Oak Creek Recreation Corridor to the Root River Recreation Corridor in the City of Franklin. Any planned improvements for this segment of Drexel Avenue located the City of Franklin must accommodate this bicycle facility in a suitable and safe fashion. The design of this bicycle facility should follow guidelines established in the American Association of State Highway and Transportation Officials' Guide for Development of New Bicycle Facilities: 1981 (Washington, D.C.: American Association of State Highway and Transportation Officials, 1981) as amended and updated. In addition, this facility must be coordinated with the provision of other planned bicycle paths in the City. This bicycle route was signed and designated during the 1976 Bicentennial as the "76 Mile" bike trail.

Other Planned Regional and Major Parks in the City

Based on the SEWRPC Community Assistance Planning Report No. 132 titled A Park and Open Space Plan for Milwaukee County, and relative to those parks located in the corporate limits of the City, the County is to expand and develop Oakwood Park (a partially developed regional park), and develop the undeveloped major parks of Franklin Park and Grobschmidt Park.

Oakwood Park. Oakwood Park is a 278-acre regional park located adjacent to the Root River Parkway located in the southern, more rural, area of the City (see Map 9.1). It is located within the delineated Oakwood Park Planning District. Existing facilities provided at the site include a regulation 18-hole golf course and support facilities.

The delineation of Oakwood Park, relative to the Oakwood Park Planning District, can be found in Chapter 8, Map 8.24.

Franklin Park. Franklin Park is a 165-acre undeveloped major park site (within the Willow Edge Planning District) located north of, and contiguous to, W. Oakwood Road and approximately a mile east of S. 112th Street and a mile west of S. 92nd Street. The SEWRPC plan recommended facility development includes the provision of picnic areas; playfields; hiking and nature trails; community park facilities, such as ball diamonds and tennis courts; and necessary support facilities. In addition, special day camp facilities designed to promote participation in musical and other cultural activities, including such facilities as an amphitheater, would be provided. The costs associated with the development of this facility, based upon SEWRPC estimates (in 1988 dollars), would be \$2,750,000.

The delineation of Franklin Park, relative to the Willow Edge Planning District, can be found in Chapter 8, Maps 8.26 through 8.30.

Grobschmidt Park. Grobschmidt Park is a 155-acre undeveloped major park site located partially in the City of Franklin (within the City's delineated Xaverian Neighborhood) located south of W. College Avenue and west of S. 35th Street and partially in the Village of Greendale. Recommended facility development includes the provision of picnic areas; playfields; hiking and nature trails; community park facilities, such as ball diamonds and tennis courts; and necessary support facilities. A trail has been constructed around Mud Lake. The costs associated with the development of this facility, based upon SEWRPC estimates (1988 dollars), would be \$2,750,000.

The delineation of Grobschmidt Park, relative to the Xaverian Neighborhood, can be found in Chapter 8, Map 8.14.

Planned Neighborhood and Subneighborhood Parks in the City

The following is a general description of the various types of public park and open space sites planned for the various City neighborhoods, planning districts, and planning areas. Detailed site development plans must be completed by the City after the sites are acquired according to the detailed neighborhood outdoor recreation facility requirements and criteria. Table 6.2 (Chapter 6 of this Plan) sets forth the criteria for the provision of various facilities at a neighborhood park including criteria for the provision of baseball diamonds, basketball goals, ice-skating rinks, playfields, playgrounds, softball diamonds, tennis courts as well as passive and other recreation space needs of a neighborhood park site. It should be recognized that for those neighborhood park sites located within

neighborhoods in which no elementary school will be constructed, the neighborhood park must provide adequate space to accommodate those recreational facilities otherwise provided by an elementary school. Table 9.2 provides a summary of the planned neighborhood and subneighborhood parks.

Forest Hills Neighborhood. Although not delineated within the Forest Hills Neighborhood, residents of the neighborhood have ready access to the existing Lion's Legend Park and several other natural open space areas formed by wetlands, floodplains, and drainageways. The Forest Hills Neighborhood plan calls for the development of a neighborhood park site located contiguous to the Franklin Middle School. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood. The delineation of this planned neighborhood park, relative to the Forest Hills Neighborhood, can be found in Chapter 8, Map 8.2.

Green Valley Neighborhood. The Green Valley Neighborhood plan calls for the development of a neighborhood park site in conjunction with, and contiguous to, a planned elementary school site located within the southern one-third of the neighborhood. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood. In addition, the plan calls for the preservation of several open space areas which are associated with wetlands, floodplains, and drainageways. The delineation of this planned neighborhood park, relative to the Green Valley Neighborhood, can be found in Chapter 8, Map 8.3.

Hales Neighborhood. Although the 1991 adopted A Park and Open Space Plan for Milwaukee County recommends a neighborhood park in this neighborhood, this City Plan does not indicate a neighborhood park due to a number of reasons. First, during the Plan preparation period, inadequate vacant land area was available which was centrally located and not a wetland or floodplain area. Second, limited playground facilities are available to the neighborhood at the existing Countrydale Elementary School. Third, passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned) due to their large lots, some of which exceed one acre in area. Since the area has some significant wetlands and floodplains within its boundaries, these areas, although privately held, form an open space network within this neighborhood.

Hillcrest Neighborhood. The Hillcrest Neighborhood plan calls for the development of a neighborhood park site somewhat centrally located within the neighborhood in conjunction with a planned elementary school site. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood. This neighborhood park is delineated to be developed during Phase 2 (beyond the year 2010) of this Plan, although the land for this park may be acquired during the Phase 1 planning period (by the year 2010). Some areas of the neighborhood will

Table 9.2

SUMMARY OF PLANNED PARKS IN THE CITY OF FRANKLIN

Planning Area	Type of Park Planned/Number				
	Multi-Community	Community	Neighborhood	Subneighborhood	Special
Neighborhoods:					
Forest Hills	0	0	1	0	0
Green Valley	0	0	1	0	0
Hales	0	0	0	0	0
Hillcrest	0	0	1	0	0
Hunting Park	0	0	1	0	1
Mission Hills	0	0	1	0	2
Monastery Lake	0	0	0	0	0
Pleasant View	0	0	1	0	1
Southwood	0	0	1	0	0
St. Martins	0	0	1	0	0
Woodview	0	0	1	0	1
Xaverian	0	1	0	0	0
Planning Districts:					
Civic Center	0	1	0	0	0
County Line Industrial Park	0	0	0	0	2
Crystal Ridge	1	0	0	0	0
Franklin Industrial Park	0	0	0	0	0
Froemming Park	1	0	0	0	0
Koepmier Lake	0	0	0	0	0
Lovers Lane	0	0	0	0	0
Oakwood Hills	0	0	0	0	0
Oakwood Park	1	0	0	0	0
Quarry View	0	0	0	0	0
South 27th Street	0	0	0	0	0
St. Peter's View	0	0	0	0	0
Village of St. Martins	0	0	0	0	0
Willow Edge Rural	1	1	0	0	0
Planning Areas:					
Countrydale	0	0	0	0	0
Fitzsimmons	0	0	0	0	0
Orchard View	1	0	1	1	0
Root River	0	0	0	0	1
St. Paul	0	0	0	0	0
Country Club	1	0	0	0	0
Whitnall North	1	0	0	0	0

Source: Lane Kendig, Inc.

be afforded passive recreational opportunities (albeit on privately-owned residential lots) in those areas where the natural resource characteristics of the site have resulted in increased lot sizes. The delineation of this planned neighborhood park, relative to the Hillcrest Neighborhood, can be found in Chapter 8, Map 8.5.

Hunting Park Neighborhood. At the northwest corner of the Hunting Park Neighborhood is the existing Franklin High School. The high school provides a significant amount of community-oriented recreational facilities. Construction of the new middle school has also been planned at the Franklin High School site, thus offering additional recreational opportunities at the site. The Hunting Park neighborhood has an existing subneighborhood park located on Anita Lane which, due to its small size, location, and orientation, is planned to be sold and platted as single-family residential lots. The Hunting Park Neighborhood plan calls for the development of a neighborhood park site somewhat centrally located within the neighborhood in conjunction with a planned elementary school site. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood. A second "Special Park" site for passive recreational activities is planned to be located west of S. 42nd Street. The delineation of the new middle school location, planned neighborhood park, and "Special Park," relative to the Hunting Park Neighborhood, can be found in Chapter 8, Map 8.6.

Mission Hills Neighborhood. The Mission Hills Neighborhood plan calls for the continued development and completion of its existing neighborhood park site located contiguous to Robinwood Elementary School. For instance, the park pavilion building is not complete nor open to the public and, therefore, is of little use; this plan calls for its completion as soon as possible. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends that this neighborhood park continue as a park during the planning period. In addition, there are two wetland/open space areas located in the Mission Hills Neighborhood which represent parks of a special nature; they have been designated as "Special Parks." These two special parks are located on the east side of S. Chapel Hill Drive and on the north side of W. Church Street. The delineation of this existing neighborhood park and other City-owned wetland and open space areas in the neighborhood can be found in Chapter 8, Map 8.7.

In the adopted A Park and Open Space Plan for Milwaukee County, property located contiguous to the Seminary on its west is targeted for proposed County acquisition as a part of its park system. The City's plan for the Mission Hills Neighborhood indicates that site is planned for the I-1 Institutional District. If the County does acquire this area, then changes will have to be made to the Mission Hills Neighborhood Plan to allow for both vehicular and pedestrian access to this new County park area.

Monastery Lake Neighborhood. Although the 1991 adopted A Park and Open Space Plan for Milwaukee County recommends a neighborhood park, based upon Plan Commission determination in 1991, the Monastery Lake Neighborhood is not to have a neighborhood park. In 1985, the Monastery Lake Neighborhood had over 18 percent of its total land area in natural resource uses including water, wetlands, and woodlands. The Monastery Lake Neighborhood plan calls for the preservation of many of these areas in open space. In addition, A Park and Open Space Plan for Milwaukee County recommends the County acquisition of lands surrounding Monastery Lake.

If platted as indicated on the Monastery Lake Neighborhood plan presented in Chapter 8, Map 8.8, passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned) due to their estate-sized large lots, some of which exceed one acre in area.

Pleasant View Neighborhood. The Pleasant View Neighborhood plan calls for the development of a neighborhood park site located in the western portion of the neighborhood. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood. Other active recreational facilities are provided by Pleasant View Elementary School. A second "Special Park" is designated for the central portion of the neighborhood on the north side of W. Marquette Avenue. Also, a trail system is planned for this neighborhood which extends along the existing waterway linking various portions of the neighborhood to the park and open space areas. The delineation of these planned parks, as well as the trail system, relative to the Pleasant View Neighborhood can be found in Chapter 8, Map 8.9.

Southwood Neighborhood. The City-acquired Franklin Woods park is located at the northernmost boundary of the Southwood Neighborhood. Due to its rich abundance of natural resource features, this park is planned to remain a natural area and is designated as a "Special Park." No active recreational functions are planned to be accommodated at the Franklin Woods Park due to their potential adverse effects on the park itself. Creation of a trail system is planned within this park. The trail system, however, is planned to minimize any disturbance to the existing vegetation and other natural features. In addition, the trail system should be constructed of natural materials and should minimize stormwater runoff. Any off-street parking facilities provided this park site should be located in areas of the site which have no significant natural resource features.

The Southwood Neighborhood plan also calls for the development of a neighborhood park site located within the neighborhood in conjunction with a planned elementary school site. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood.

The delineation of both the Franklin Woods and the planned neighborhood park, relative to the Southwood Neighborhood, can be found in Chapter 8, Map 8.10.

St. Martins Neighborhood. The St. Martins Neighborhood plan calls for the development of a neighborhood park site. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood. This neighborhood park is delineated to be developed during Phase 2 (beyond the year 2010) of the Plan, although the land for this park may be acquired during the Phase 1 planning period (by the year 2010). In 1985, the St. Martins Neighborhood had over 21 percent of its total land area in natural resource uses including water, wetlands, and woodlands. The St. Martins Neighborhood plan calls for the preservation of much of these areas in open space. If platted as indicated on the St. Martins Neighborhood plan presented in Chapter 8, Maps 8.11 and 12, passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned). This is because many of these natural open space areas can be preserved through a combination of the use of both zoning and deed restrictions. The delineation of this planned neighborhood park, relative to the St. Martins Neighborhood, can be found in Chapter 8, Map 8.11.

Woodview Neighborhood. The Woodview Neighborhood plan calls for the development of a combined neighborhood and special park site located within the northern one-half of the neighborhood. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood. This neighborhood park has not been planned in conjunction with a neighborhood elementary school, since the total population anticipated for this neighborhood area would not support the construction of such a school. Therefore, the neighborhood park will also have to provide for those outdoor recreation facilities typically associated with a neighborhood elementary school. Additional recreational facilities, serving larger community needs, would be provided as an integral part of the planned middle and high school sites. In addition, the plan calls for the preservation of a significant wetland area located contiguous to the planned neighborhood park site. The delineation of this planned neighborhood park and wetland area, relative to the Woodview Neighborhood, can be found in Chapter 8, Map 8.13.

Xaverian Neighborhood. As described earlier in this Chapter, the Xaverian Neighborhood has Grobschmidt Park, a community park, located within its boundaries. As can be noted from Map 8.14 in Chapter 8, Grobschmidt Park is located contiguous to a planned neighborhood elementary school site. Since Grobschmidt Park will have all those facilities necessary to a neighborhood park, as well as those necessary for a community park, no additional neighborhood park land area is planned for the Xaverian Neighborhood. It is anticipated that Grobschmidt Park will function as both a community and neighborhood park. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends a neighborhood park in this neighborhood in the general location of Grobschmidt Park.

In 1985, the Xaverian Neighborhood had over 15 percent of its total land area in natural resource uses including water, wetlands, and woodlands. The Xaverian Neighborhood plan calls for the preservation of many of these areas in open space. If platted and developed as indicated on the Xaverian Neighborhood plan presented in Chapter 8, Map 8.14, passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned) due to the fact that many of these natural open space areas can be preserved through a combination of the use of both zoning and deed restrictions. The neighborhood park located in the Xaverian Neighborhood would also serve the residents of the westerly abutting St. Paul Planning Area.

Civic Center Planning District. Portions of the Civic Center Planning District are served by a neighborhood sized park--the 18-acre Lion's Legend Park. Lion's Legend Park is located on the east side of STH 36. In 1985, the Civic Center Planning District had over 30 percent of its total land area in natural resource uses including water, wetlands, and woodlands. The Civic Center Planning District plan calls for the preservation of much of these areas in open space through the use of the natural resource protection standards advanced in Chapter 3 of this Plan.

Special subneighborhood open space areas, while not specifically delineated on the plan maps, are planned for that portion of the Civic Center Planning District bounded by STH 100 on the west, STH 36 on the east, and W. Drexel Avenue on the north. These special subneighborhood open space areas may be dedicated as public parks and form an integral part of the various public facilities planned for the area. These subneighborhood open space areas, or parks, are planned as special parks assisting in the preservation of natural areas integral to any development planned for this area. These parks would be for passive recreational activity such as walking and nature study. Also planned are highly pedestrian-oriented and linked pedestrian trail systems. Some may even be in the form of "village" squares which would complement the development proposed in this planning district.

The plan for the Civic Center Planning District is shown in Chapter 8 in Maps 8.15 and 8.16.

County Line Industrial Park Planning District. Two public "Special Parks" are planned for the County Line Industrial Park Planning District during the planning period. These two park areas have natural resource features which are worthy of their classification as isolated natural areas (see Chapter 3 for a discussion of isolated natural areas). This Plan recognizes that the intrusion of industrial-related uses in these areas may adversely affect their natural resource qualities and may require a higher level of protection than afforded by the natural resource protection standards set forth in Chapter 3 or landscape surface ratios set forth in Chapter 8. In 1985, over 16 percent of this area was covered by both water and wetlands. The parks would be intended for passive recreational use by the

employees of the surrounding M-1 Limited Industrial District uses. The County Line Industrial Park Planning District plan calls for the preservation of these areas in open space through the use of the P-1 Park District. These open space areas are indicated in Chapter 8, Map 8.17.

Crystal Ridge Planning District. The Crystal Ridge Planning District is comprised of Crystal Ridge Park which is to be retained during the planning period. No other parks are planned to be developed in this area. Some expansion of the facilities available in the Crystal Ridge Park can be anticipated. The delineation of the Crystal Ridge Park, relative to the Crystal Ridge Planning District, can be found in Chapter 8, Map 8.18.

Franklin Industrial Park Planning District. A small temporary five to seven acre subneighborhood playing field is planned for the Franklin Industrial Park Planning District during the planning period to serve industrial and business park clientele fostering active organized sports teams or other outdoor recreational activities. No other active recreational parks are planned for this planning district. In 1985, about 8 percent of this area was covered by water, wetlands, and woodlands. The Franklin Industrial Park Planning District plan calls for the preservation of these areas in open space. The delineation of this planned special park, relative to the Franklin Industrial Park Planning District, can be found in Chapter 8, Map 8.19.

Froemming Park Planning District. Located within this planning district are the existing Milwaukee County House of Correction facilities, Froemming Park, a portion of the Root River Parkway Corridor, and the Milwaukee County Nursery. During the Plan preparation period, a portion of the County-owned lands was being utilized as four baseball diamonds used by the Franklin Little League.

The Froemming Park Planning District plan calls for the development of a neighborhood-sized park site in conjunction with, and contiguous to, a planned elementary school site located within the northwestern portion of the planning district. This park will also serve residents of the neighboring Country Club Planning Area and the Root River Planning Area. The plan for this area calls for the extension Root River Parkway trail system through the planning district and, thus, will provide valuable trail linkage with other areas of the City. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends County acquisition of those lands adjacent to the Root River in the south central portion of this planning district.

In 1985, nearly 15 percent of this area was covered by water, wetlands, and woodlands. The Froemming Park Planning District plan calls for the preservation of these areas in open space under the natural resource protection standards set forth in Chapter 3.

The delineation of planned parks and trails in the Froemming Park Planning District, can be found in Chapter 8, Maps 8.20 and 8.21.

Koepmier Lake Planning District. Public parks are not planned for the Koepmier Lake Planning District during the planning period. In 1985, nearly 38 percent of this area was covered by water, wetlands, and woodlands. Passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned), since many of these natural open space areas can be preserved through a combination of the use of both zoning and deed restrictions. The Koepmier Lake Planning District plan calls for the preservation of these areas in open space. The delineation of these open space areas, relative to the Koepmier Lake Planning District, can be found in Chapter 8, Map 8.18.

In the adopted A Park and Open Space Plan for Milwaukee County, the Koepmier Lake property is targeted for proposed County acquisition. The City's plan for the Koepmier Lake Planning District indicates that site as a planned business park. However, even if developed for business park purposes, the inherent natural resource features of the park are planned to be preserved under the natural resource protection standards set forth in Chapter 3.

Lovers Lane Planning District. Public parks are not planned within the Lovers Lane Planning District during the planning period. However, private recreational open space lands and facilities have continued to provide those portions of this planning district which have high density population levels. The Lovers Lane Planning District affords easy access to the easterly abutting Whitnall Park. No public park land needs to be acquired in this neighborhood, since the majority of the remaining vacant land is planned for either commercial or light industrial land uses. Public park facilities located within the Whitnall North Planning Area will serve the residents of this planning district and augment the private facilities. These public parks will be linked to a pedestrian path system where feasible.

Oakwood Hills Planning District. Public parks are not planned to be located within the Oakwood Hills Planning District during the planning period due to the lack of sufficient planned population to warrant a neighborhood park in this area. Public park facilities located within the Oakwood Park Planning District and the Southwood Neighborhood can be used to service the residents of this planning district. These facilities will augment any private open space areas which may also be provided as development occurs in this area.

Oakwood Park Planning District. The Oakwood Park Planning District's only land use is the Oakwood Golf Course. This park is planned to be retained during the planning

period. While no other parks are planned to be developed in this area, some expansion of the recreational facilities available in Oakwood Park can be anticipated. The delineation of Oakwood Park, relative to the Oakwood Park Planning District, can be found in Chapter 8, Map 8.23.

Quarry View Planning District. A neighborhood-sized park is not planned to be located within the Quarry View Planning District during the planning period due to the lack of sufficient planned population to warrant the location of a neighborhood park in this area. Public neighborhood-sized park facilities located within the westerly abutting Orchard View Planning Area can be used to service the residents of this planning district and augment any private open space areas which may also be provided as development occurs in this area. The plan for this area calls for the extension Root River Parkway trail system along the western edge of this planning district, thus providing valuable trail linkage with other areas of the City.

South 27th Street Planning District. The South 27th Street Planning District is overlayed upon the eastern portions of the Xaverian Neighborhood, Pleasant View Neighborhood, Hunting Park Neighborhood, Southwood Neighborhood, Fitzsimmons Planning Area, and Oakwood Hills Planning District. Neighborhood and subneighborhood park facilities which would serve the South 27th Street Planning District are the same as those which serve the underlying neighborhoods, planning areas, and planning districts.

St. Peter's View Planning District. No public parks are planned to be located within the St. Peter's View Planning District during the planning period due to the lack of sufficient planned population to warrant the location of a neighborhood park in this area. Public park facilities located within the southerly located Orchard View Planning Area can be used to service the residents of this planning area and augment any private open space areas which may also be provided as development occurs in this area.

In 1985, over 41 percent of this area was covered by both water and wetlands. Passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned), since many of these natural open space areas can be preserved through a combination of the use of both zoning and deed restrictions. The St. Peter's View Planning District plan calls for the preservation of these areas in open space. The delineation of these open space areas, relative to the St. Peter's View Planning District, can be found in Chapter 8, Map 8.18.

Village of St. Martins Planning District. The Village of St. Martins Planning District is overlayed upon portions of both the Mission Hills and St. Martins Neighborhoods. Neighborhood and subneighborhood park facilities which would serve the Village of St. Martins Planning District are the same as those which serve the underlying two neighborhoods. Other subneighborhood-sized open space is provided in this area by the

old "Farmer's Market Square" area as well as two other small areas designated as "Village Greens" located within proposed dedicated street right-of-way areas. The delineation of these open space areas, relative to the St. Martins Planning District, can be found in Chapter 8, Map 8.25.

Willow Edge Planning District. Other than the planned improvements to the existing Franklin Park described earlier in this Chapter, additional public parks are not planned within the Willow Edge Rural Planning District during the planning period. Significant population increases are not expected to occur in this area during the planning period. The 1991 adopted A Park and Open Space Plan for Milwaukee County recommends County acquisition of some land area adjacent to the Root River in the central portion of this planning area. The delineation of Franklin Park, relative to the St. Willow Edge Rural Planning District, can be found in Chapter 8, Maps 8.26 to 8.30.

As stated earlier in Chapter 8, it is anticipated that the site of the landfill will be used for park and open space purposes following its closing. A detailed plan for this landfill area will need to be prepared which effectively deals with integrating a former landfill into the landscape of the area in both an aesthetic and, perhaps, functional way.

Country Club Planning Area. The Tuckaway Country Club Golf Course is located within the Country Club Planning Area. Neighborhood-sized public parks are not planned within the Country Club Planning Area during the planning period due to the lack of sufficient planned population to warrant such a facility. Neighborhood-sized public park facilities located within the Froemming Park Planning District can be used to serve the residents of this planning area and augment any private open space areas which may also be provided as development occurs in this area. The Country Club Planning Area is also proposed to be served by an extension of the Root River Parkway trail system westerly from Root River to S. 68th Street. The delineation of the Tuckaway Country Club Golf Course and Root River Parkway trail extension, relative to the Country Club Planning Area, can be found in Chapter 8, Map 8.20.

Countrydale Planning Area. Neighborhood or subneighborhood parks are not planned for this area due to its small size and low residential density. Passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned) due to the area's large lots, some of which exceed one acre in area. Since the area has some significant wetlands and floodplains within its boundaries, these areas, although privately held, form an open space network within the northernmost portion of this subneighborhood area.

Fitzsimmons Planning Area. Public parks are not planned within the Fitzsimmons Planning Area during the planning period. This is due to the lack of sufficient planned population to warrant the location of a neighborhood park in this area. Public park

facilities located within the westerly abutting Oakwood Park Planning District and the northerly abutting Southwood Neighborhood can be used to service the residents of this planning district and augment any private open space areas which may also be provided as development continues to occur in this area.

Orchard View Planning Area. The Orchard View Planning Area plan indicates the development of a neighborhood-sized park site developed with, and contiguous to, a planned elementary school site located in the eastern portion of the planning area. This will fulfill neighborhood park needs, in part, for the abutting Quarry View Planning District to the east and the northerly abutting Koepmier Lake Planning District, St. Peter's View Planning District, and St. Paul Planning Area.

The plan for this area calls for the extension Root River Parkway trail system along the eastern edge of the planning area, thus providing valuable trail linkage with other areas of the City. The continuation of this trail system may require either the acquisition of land or easements in order to implement the trail system since the planned trail system traverses private property. The 1991 adopted A Park and Open Space Plan for Milwaukee County also recommends County acquisition of those lands adjacent to the Root River in the northern portion of this planning area.

The delineation of the planned neighborhood-sized park and Root River Parkway Corridor area, relative to the Orchard View Planning Area, can be found in Chapter 8, Map 8.24.

A small 5-acre temporary subneighborhood park is located on the east side of S. 68th Street north of, and adjacent to the end of the S. 66th Street right-of-way and the Robinwood Subdivision. The landowners have agreed to the long-term lease of the site to the City for public park purposes. During the term of the planning period, this temporary park site is intended to accommodate a small tot lot and passive recreational needs including picnicking.

The delineation of these parks, relative to the Orchard View Planning Area, can be also found in Chapter 8, Map 8.24.

Root River Planning Area. No neighborhood parks are planned within the Root River Planning Area during the planning period due to the lack of sufficient planned population to warrant the location of a neighborhood-sized park in this area. Active recreation-oriented public park facilities located within the westerly abutting Froemming Park Planning District or the northerly abutting Quarry View Planning District and Orchard View Planning Area can be used to service the residents of this planning area and augment any private open space areas which may also be provided as development continues to occur in this area. Some significant passive recreational opportunities are afforded this planning area through its contiguity on the west with the Root River Parkway Corridor.

In 1985, over 10 percent of the Root River Planning Area was covered by natural areas including water, wetlands, and woodlands. Passive and some active recreational opportunities are afforded the residents of this area (albeit privately-owned), since many of these natural open space areas can be preserved through a combination of the use of both zoning and deed restrictions. The Root River Planning Area plan calls for the preservation of these areas in open space using the resource protection standards advanced in Chapter 3.

A small "Special Park" for passive recreation activity is planned, however, to be located on the southeastern portion of the planning area. This special park is characterized by steep slopes and floodplain areas. The delineation this special park, relative to the Root River Planning Area, can be found in Chapter 8, Map 8.20.

St. Paul Planning Area. Public parks are not planned within the St. Paul Planning Area during the planning period due to the lack of sufficient planned population to warrant the location of a neighborhood-sized park in this area. Public park facilities located within the easterly located Xaverian Neighborhood can be used to serve the residents of this planning area and augment any private open space areas which may also be provided as development occurs in this area.

Whitnall North Planning Area. Whitnall Park is located within the Whitnall North Planning Area. Other parks are not planned to be developed in this area, although some expansion of the recreational facilities available in Whitnall Park can be accommodated. The delineation of Whitnall Park, relative to the Whitnall North Planning Area, can be found in Chapter 8, Map 8.22.

THE TYPICAL COST OF PROVIDING A NEIGHBORHOOD PARK

Table 9.3 provides estimated costs associated with developing a typical neighborhood park in the County area. These costs are expressed in constant 1989 dollars. These are based upon actual costs experienced by the County Parks Department for recent neighborhood park projects throughout the County. Costs do not include any continuing maintenance costs associated with the park following its acquisition and development.

Using an inflation rate of 6.1 percent for 1990, the adjusted 1989 total neighborhood park cost would be \$971,345 in January 1991. These costs have important implications relative to fees-in-lieu-of-dedication, or impact fees, currently required through the City's Subdivision Ordinance. If the City is to keep these fees current, these fees must be adjusted on an annual basis. Neighborhood park acquisition in the City is described in greater detail in the following section of this Plan chapter.

Table 9.3

**ESTIMATED COST FOR THE ACQUISITION AND DEVELOPMENT
OF A TYPICAL NEIGHBORHOOD PARK SITE
IN THE CITY OF FRANKLIN: 1989 DOLLARS^a**

<u>Park Item</u>	<u>Amount</u>
1. Land Acquisition	\$175,500 ^b
2. Softball Diamonds (three)	\$108,000 ^c
3. Tennis Courts (three)	\$ 84,000 ^d
4. Basketball Goals (six)	\$ 48,000 ^e
5. Playfield	\$143,000 ^f
6. Skating Rink	N/C ^g
7. Play Apparatus Areas (two)	\$ 40,000 ^h
8. Park Shelter and Restrooms	\$185,000 ⁱ
9. Site Lighting	\$ 42,000
10. Professional Fees	\$ 90,000 ^j
TOTAL	\$915,500

^a*In this case, the site area of a neighborhood park is considered to be 13.5 acres excluding eight acres required for school-related outdoor recreation and playground facilities.*

^b*Based upon discussions with the City of Franklin Tax Assessor, the general estimated value of raw land for a neighborhood park in a suburban City of Franklin neighborhood is about \$13,000 per acre.*

^c*A single softball diamond without lighting and without an irrigation system can be expected to cost about \$36,000 including: \$12,000 for grading; \$15,000 for drainage; \$4,000 for the diamond mix; and \$5,000 for a backstop.*

Table 9.3 (continued)

**ESTIMATED COST FOR THE ACQUISITION AND DEVELOPMENT
OF A TYPICAL NEIGHBORHOOD PARK SITE
IN THE CITY OF FRANKLIN: 1989 DOLLARS^a**

^d*A single tennis court with lighting can be expected to cost about \$28,000.*

^e*A single basketball goal is estimated at \$8,000 with no fencing or lighting.*

^f*Includes \$60,000 for site development including: landscaping and grading; \$42,000 for walkways and drives; \$10,000 for picnic facilities, signs, and other furniture; \$8,000 for a drinking fountain; \$15,000 for drainage; and \$8,000 for miscellaneous related expenses.*

^g*It is assumed that little or no additional cost will be incurred for the development of an ice-skating rink. The rink would be established either in the playfield or play apparatus area.*

^h*The estimated cost of a play apparatus area is \$20,000 and includes play equipment and surface material.*

ⁱ*Excludes related professional architectural and engineering services.*

^j*Includes professional architectural and engineering fees associated with both the design and construction of the neighborhood park.*

Source: Memo from the Milwaukee County Public Works Department to the Milwaukee County Facilities Planning Manager dated August 23, 1988; SEWRPC; and Lane Kendig, Inc.

While these costs may differ slightly, based upon the individual characteristics of the neighborhood park, they give indication relative to the types of costs which may be incurred to provide this level of service.

CITY PARK AND OPEN SPACE PLAN IMPLEMENTATION MEASURES

The City of Franklin feels that the County has both a moral and legal responsibility for the timely acquisition of all planned public park and open space lands for all communities in the County including the City of Franklin. In 1992, there was some concern by City officials and residents alike that the further park and open space acquisition in the City by the County may falter. These concerns were fortified by the fiscal restraint which the County exhibited during the late 1980s and early 1990s. Under such fiscal restraint by the County, the potential acquisition of the most important and truly best sites for public parks and open space in the City may be severely compromised. If such a compromise occurs, the City may find itself with an inadequate public park and open space system to serve the needs of the most rapidly developing community in all of the County. Indeed, this City of Franklin Comprehensive Master Plan and its subordinate detailed plans may never be fully realized due to inaction by the County to acquire these very important sites.

The obligation of the County notwithstanding, other alternative methods for public park and open space acquisition should, at a minimum, be examined and set forth in this Plan. These methods can include the City's exercise of existing laws and regulations, purchase, easements, and numerous other forms of acquisition.

Over the years, public park site acquisition, and associated school site acquisition for playgrounds, has been a perplexing issue for the City. This may be remedied through the effective implementation of this Plan. The overriding considerations in this matter which have forced it to be so perplexing in the past are the issues of who pays and when.

In general, implementation measures for the park and open space element of this Plan can take a number of different forms including:

1. The Use of Existing Laws and Regulations
2. Land Purchase
3. Easements
4. Other Forms of Acquisition

The City has used many of these from time to time. The following describes how each can be used.

Existing Laws and Regulations

The existing laws and regulations at the disposal of City officials which allow for park and open space planning and acquisition include:

- a. Park Planning Enabling Legislation
- b. Board of Park Commissioners and Park Acquisition
- c. Forest Acquisition
- d. Subdivision and Certified Survey Map Review and Approval
- e. Creation of an Official Map
- f. Zoning

Each of these plan implementation measures is described in detail below.

Park Planning Enabling Legislation. Section 62.23 of the Wisconsin Statutes provides that it is the duty of the City Plan Commission to make and adopt a master plan for the development of the City. The plan shall show, among other things, the general location, character, and extent of "...public places and areas, parks, parkways, playgrounds..." Elements of this Plan include both detailed neighborhood plans and designate park types, location, and configuration, as well as an overall park and open space element. This Plan and its various elements fulfill these requirements.

The Common Council must refer to the City Plan Commission for its consideration and report, before consideration by the Council, matters concerning, among others: "the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land or lease of land for any...park, playground...or other memorial or public grounds...."

Board of Park Commissioners and Park Acquisition. Section 27.08 of the Wisconsin Statutes provides that cities may create, by ordinance, a board of park commissioners. The City has such a Board, and it is called the Park and Recreation Commission. The duties of the Board include the acquisition of property for park purposes by lease or purchase and the management, control, improvement, care of all public parks within the City, and the supervision of City recreation programs. In addition, under Section 62.23(17) of the Wisconsin Statutes, "cities may acquire by gift, lease, purchase, or condemnation any lands (a) within its corporate limits for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same...."

Forest Acquisition. Section 28.20 of the Wisconsin Statutes provides that cities may acquire land and appropriate funds for the purpose of establishing a community forest. Such a forest may be located outside of the city limits. Authority also is given to properly manage such forests and sell any merchantable timber derived from these forests.

Subdivision and Certified Survey Map Review and Approval. The park and open space areas indicated in the detailed neighborhood, subneighborhood, and special planning district plans presented in Chapter 8 can be further implemented by the City through the City's subdivision and certified map review and approval process. The City can require park land dedication, reservation, or payment of a fee-in-lieu-of-dedication under its subdivision control ordinance. Under Section 236.45 of the Wisconsin Statutes, cities may enact subdivision control ordinances to require park land dedication, reservation, or payment of a fee-in-lieu-of-dedication during the land development process. One of the declared intents of the statute is to "...facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds, and other public requirement;...." This ordinance allows the City to reserve areas for park and open space needs without incurring land acquisition costs directly to the City. These lands can also include park and playground lands associated with school sites.

While the City has had, since at least from 1972 through 1989, provisions for the dedication, reservation, and fee-in-lieu-of-dedication for both public parks and schools set forth within Chapter 21 titled "Subdivision and Platting" of the Municipal Code, that provision had not been equally enforced. This was due to the County's provision of required public park and open space lands. It was also due to the City's ability to negotiate public school site dedications with those developers upon whose land the school was designated by the former City neighborhood plans. For example, such negotiations were conducted by the City for the acquisition of the Southwood East and Hidden Lakes school sites. On the other hand, acquisition of the Tuckaway Green school site could not be adequately negotiated between the City and the developer, was not acquired by the County, and was ultimately purchased by Franklin School District No. 5. Also, the acquisition of both neighborhood park and school sites to serve the Woodview neighborhood has, thus far, failed because neither Franklin School District No. 5 nor the County would purchase these properties when they were available and in danger of being subdivided. The City could not purchase these sites at the time, since it had not collected fees-in-lieu-of-dedication from other area developers.

On May 2, 1989, Section 21.07 of Chapter 21 "Subdivision and Platting" was repealed and recreated by Ordinance No. 89-1041. However, Ordinance 89-1041 does not specifically address the acquisition of public schools as the former Section 21.07 did. Without a provision for the acquisition of school sites, school sites and their associated recreational areas cannot be effectively acquired under the provisions of Chapter 21.

These methods of site acquisition raise severe equity problems since some developers, in effect, have paid and others have not. In addition, fees for complete school or park site improvements have not been included. Such improvements should, most certainly, include the school building itself as well as any necessary park improvements to make the facilities functional.

The payment for school sites and their associated recreational areas under some circumstances, as described earlier, has been borne by those few developers who have had to negotiate. The payment for school buildings and improvements to those sites has been borne by all City taxpayers through their respective school districts.

The payment for park sites has been borne jointly by those few developers who had to negotiate and County taxpayers (which includes City taxpayers). The payment for park buildings and improvements has been borne by the County taxpayers (again, including City taxpayers).

In effect, what this results in, over time, is a steadily increasing tax burden on the long-term City taxpayer. The long-term taxpayer is having to pay for those park and school facilities which, most often, do not directly benefit him or her. Through the charging of fees or dedication, new residential developments will bear the costs of the services they require instead of the long-term residents paying for the needs created by the new residents.

Official Map and Zoning. Detailed plans can be implemented not only by subdivision and certified survey map review but also through the adoption of an "Official Map" and through the City's zoning ordinance. Both the official map and the zoning ordinances allow protection of lands proposed for parks and parkways from incompatible urban or suburban encroachment. For instance, existing and proposed park and open space lands may be placed within a park or open space zoning district. While the City currently has a zoning ordinance, it has no "Official Map."

Section 87.30 of the Wisconsin Statutes mandates that cities must enact a floodplain zoning ordinance "...where appreciable damage from floods is likely to occur." Typically, such floodplain districts result in the reservation of needed community open space, and which may allow for other uses in addition to those of floodwater movement and storage. As described earlier in this Chapter, the City currently has three such floodplain zoning districts in place and appropriately mapped--the FW, FC, and FFO Districts.

Finally, under Section 62.231 of the Wisconsin Statutes, a city must also "zone by ordinance all unfilled wetlands 5 acres or more...which are located in any shorelands and

which are within its incorporated area." In 1987, the City created and adopted the text to the SW Shoreland Wetland District. However, the data necessary to complete the zoning maps for this district is still forthcoming from the DNR. The SW District was described earlier in this Chapter. Similar to floodplain zoning, the SW District also results in the reservation of open space which may allow for other wetland associated land uses.

Park and Open Space Land Purchase

Purchase of Fee Simple Interest. Purchase of fee simple interest is perhaps the surest way to preserve open space lands. It is what most people normally conceive of when the word "purchase" is used. It includes the acquisition of the complete private bundle of rights which is immune from the control of other persons and is unlimited in duration, disposition, and descendibility.

Purchase and Resale Upon Condition. In this situation, the land is purchased but then resold and returned to the tax rolls. However, in this resale, the City would impose conditions on the use of the property. For example, a reversion clause could be used to make sure that, if identified open space purposes are not met, ownership of the land would revert back to the City.

Purchase and Lease Back. Under this method, the City would purchase the fee simple interest in the parcel and then, on an interim basis, lease use of the parcel back to either the seller or some other party. The lease-back arrangements would provide income to the City, yet the City would maintain control of the land with respect to subsequent use. The lease could contain conditions for future open space uses which could be enforced.

Acquisition Subject to Life Estate. Under this method, the City would acquire the land but allow the present owner to remain on the land for the duration of his lifetime. Upon the present owner's death, the City would take possession of the land. This method has the advantage of acquiring the parcel for a reasonable purchase price, while at the same time ensuring future public use of the property.

Acquisition of Tax Delinquent Land. Land can, in some cases, be acquired by the City for nonpayment of taxes. If the land so acquired is not suitable for open space purposes, it is possible that it could be exchanged for other lands which the City may want to acquire for open space purposes.

Easements

Conservancy Easements. Conservancy easements may be placed upon private lands and allow for public access to or through those lands. If open space is to be publicly accessible, under this method the City may buy the rights of public access to private land to provide for a public purpose, such as fishing, nature study, or open space preservation. Such easements may also prohibit the current landowner from removing vegetation or filling wetland areas.

If the open space is to be preserved but is to be privately accessible, an option under this method is for the City to require that developers delineate conservancy easements on the face of the subdivision plat, certified survey map, or site plan (which would require later recordation of such easements with the Milwaukee County Register of Deeds). Thus, although not publicly accessible, open space areas would still be preserved. In fact, such open space areas may even be an integral part of the individual building lot or site if the lot is oversized to accommodate both the easement and the development of the lot or site.

Either of these options could be used in concert with the natural resource protection standards set forth in Chapter 3. Both methods could accommodate the preservation of these resources.

Scenic Easements. The City can either purchase or require scenic easement dedications to maintain control of scenic areas and vistas. The easement could include provisions which restrict the landowner's right to build structures, dump trash, cut timber or brush, or otherwise impair or modify the scenic areas.

Other Forms of Acquisition

Acquisition of Development Rights. Under this method, the City purchases only the right to develop the land. The original landowner retains ownership of the land, which remains on the tax roll. Stipulations can be made which assure that virtually no change in the existing use of the land could occur. Acquisition of such development rights may run for a given number of years or in perpetuity.

Gifts or Donations. The City may acquire interest in land through gifts or donations. In many instances, such gifts or donations are made because of tax advantages which accrue to the owner.

OPTIONS AND RECOMMENDATIONS FOR PARK AND SCHOOL SITE ACQUISITION AND IMPROVEMENT

Options

School sites, under this City Plan, provide a significant portion of neighborhoods' needed public recreational and playground land. Thus, the acquisition of required school sites must be considered simultaneously with needed park land. The following are four general options which are available to the City for both park and school site acquisition and improvement:

Option 1: This option can be termed the "User Pays" option. Under this option, the persons causing the need for the acquisition and development of new parks and schools (or any other facilities, for that matter) pay their fair or proportionate share of those costs at the time of land development. *Under this option, when either type of facility is acquired they, most likely, will be properly located pursuant to the adopted City Plan and its detailed elements, be timed properly relative to actual need and the ability to fulfill that need, and be of a higher quality improvement than under the next three options described.*

Option 2: Under the second option, the City and school districts can wait for gifts, donations, dedications, leases on land, the borrowing of land, purchase development rights, etc. Under this option, however, lands may never be forthcoming, may be very temporary in nature, may be in the wrong location, may be of inadequate size, may be of inadequate quality for active recreation or school development purposes, and may be poorly timed relative to need.

Recently, the Common Council has been faced with this option relative to the lease made available to the City for the S. 68th Street site. In the long run, however, leased or borrowed park sites are only a makeshift response to a true and very real need to permanently acquire park land. Such makeshift lease methods have already been used in the City relative to the four baseball diamonds located on land leased from the County located on S. 76th Street south of Puetz Road. Also, such makeshift borrowing techniques have been used relative to the construction of a baseball diamond at the City's public works facility site located on Ryan Road. Eventually, the County may no longer lease the S. 76th Street property for active

recreational use. Also, the City's public works facility will eventually have to be expanded into that portion of its site currently used for baseball. These are the realities of using this approach. *This option is unrealistic to adequately address the needs of a rapidly growing city such as Franklin.*

Option 3: The third option can be termed "The Taxpayer Pays" option. Under this option, the County taxpayer (which also includes City residents) may pay for the park site or, depending upon a potential for restrained County fiscal policy for land acquisition, the City taxpayer pays if the site is to be had at all. Under this option, the school district taxpayers (i.e. City residents) pay for the school. Under this approach, the City may wait a significantly long period of time before the County (or school district) determines it will not pay. In addition, unless the City budgets on a yearly basis for the acquisition for such lands, the City may not have the ability to pay. Under both scenarios, the park or school may not be acquired since time is of the essence when dealing with developers--they would like to go on with their development business and not wait for inordinate lengths of time for government to determine when and who pays. *If either type of facilities is acquired under this option, it may be at a poor quality unplanned location and be a low quality improvement due to the lag time between the realization of the immediate need and fiscally responding to that need.*

Option 4: The fourth option can be termed the "Do Nothing At All Option." Under this option, neither the County nor the City will acquire neighborhood park or school sites. Under this option nobody pays--not the City, County, or developer. Neither park nor school sites are acquired in a timely fashion or at properly planned locations. Acquisition of parks may never be realized, and acquisition of school sites would be left to the appropriate school district. Unfortunately under this scenario, school district response usually occurs when the demand for a school already exists and overcrowding may already be occurring. Then the applicable school districts are forced to "go shopping" for the land and may end up with a site in the wrong location and/or with physical limitations for the proper planning and design of a school. The location of schools would be solely market driven; thus, the cheapest land available at the time of need would probably be that which would be acquired by the applicable school district taxpayers. Under this option, the reasonable planning for these important facilities falls apart. *This option is unrealistic to adequately address the needs of the City's residents.*

Recommendations for Acquisition and Improvement

The recommended option of the four described above is Option 1. If Option 1 is implemented properly, it will allow for the acquisition of both park and school sites and improvements in a timely fashion to all concerned. In addition, it will allow for the implementation of this City Plan in an effective and sound fashion. The option is supportable by the Wisconsin Statutes and a Wisconsin Supreme Court decision which has survived the test of time. The following are additional, more detailed, recommendations pertaining to the implementation of recommended Option 1.

It is strongly recommended that the City review and amend Chapter 21 (thereby also repealing Ordinance No. 89-1041) to update and improve its fee-in-lieu-of-dedication requirements and fees for both public parks and school sites and improvements (including buildings). This amendment should be structured to accomplish the following in a fair and equitable fashion for both residential developers as well as the general City tax paying public:

1. Such fee requirements must pass the rational nexus test; that is, the fee charged must be directly related to the development proposed. In other words, the proposed development must be paying its proportionate share of the cost of the park or school site and associated improvements, and the cost indeed confers a benefit (i.e. the provision of parks and schools) upon the development paying the fee.

In this respect, the fees provided are derived from the developers responsible for creating the demand for public facilities rather than from the tax paying public at-large. Therefore, the costs of such facilities are more equitably allocated to those creating the need for the facilities. Absent such fees, the developer enjoys a windfall because the community at-large (i.e. Franklin tax payers) would finance development-generated public facility costs.

2. The fees charged must also substantially further a legitimate governmental objective--i.e. the provision of parks and schools.

The following recommendations, pertaining to the acquisition and improvement of park sites in Franklin, are based upon the assumption that the City will not enter into litigation with the County relative to the County's recent restraint in neighborhood park site acquisition in the City. Relative to park sites acquired by the City through the method described above and their related improvements, it is recommended that a contractual agreement be reached between the County and the City so that any park site and related improvements provided by developers be maintained in perpetuity by the County as part

of the County-wide park system. All costs of such maintenance should, of course, be borne by the County. Under such an arrangement, the City would not bear the extreme burden of maintaining its own parks. As pointed out earlier, if the City waits for County acquisition of the parks, they may never be acquired by the County.

Relative to school sites and their related improvements (including playgrounds and buildings), the City must first establish a dialogue with each of the respective school districts to determine if the school districts would like to have the City collect such impact fees. Assuming that they would, then the following recommendations would apply. It is recommended that land acquisition or fees in lieu of acquisition and improvement fees be charged of residential developers located within all three school districts--Franklin School District No. 5 (entirely within the City limits), Oak Creek-Franklin Joint School District (portions within the Cities of Franklin and Oak Creek), and the Whitnall School District (portions of which are within the Cities of Franklin and Greenfield, and the Village of Hales Corners).

The land acquisition, fees in lieu of acquisition, and improvement fees provisions may be guided, in part, by the following types of conditions:

1. That agreements would have to be entered into between the City and the applicable school districts so that any fees collected would be used exclusively for the acquisition and improvement of new school sites and not for other school district purposes.
2. In the case of Franklin School District No. 5, the agreement should address that any monies so collected by the City be applied to the purchase and improvement of school sites designated by the City of Franklin on this adopted Plan or component thereof. Since officials of the other two school districts have publicly stated that they will not build school facilities in the City of Franklin, this requirement would not be necessary in their case.
3. The agreement must address the type of account into which the money would be placed (i.e. an account held by the City or by the applicable school district.)
4. The agreement must address the disposition of such school sites so acquired if the school facility is not constructed or if the school and/or site is no longer needed. Thus, certain limitations on the sale of such lands and/or improvements so acquired would have to be agreed upon.

Prior to entering into any such agreements, however, we recommend that the City Attorney review their respective provisions from a legal standpoint.

CONCLUDING REMARKS AND RECOMMENDATIONS

City officials must decide if they want to pursue the recommended "User Pays" Option 1 discussed under "Recommended Options for Acquisition and Improvement." Development is occurring at a very rapid rate, and the longer the City waits to pursue Option 1 in a more rigorous fashion, the more money it will cost City property owners in both fiscal and plan implementation terms. Time and time again it has been shown in the City that the other three options have not worked. Option 4 is not a realistic option which adequately addresses the needs of the City's residents. Option 2 has been haphazard and a merely makeshift approach to the provision of necessary community facilities. If either type of facilities is acquired under Option 3, it may be at a poor quality unplanned location and be a low quality improvement due to the lag time between the realization of the immediate need and fiscally responding to that need. In addition, Options 2, 3, and 4 have had the tendency to make impotent sound planning practice and plan implementation in this rapidly growing suburb. This may be done prior to the completion of all elements of the City's Plan.

As stated earlier, the overriding considerations in this matter which have forced it to be so perplexing are the issues of who pays and when. Under the overall concept embraced in Option 1 and the recommendations outlined herein, the provision of these necessary facilities can be accomplished in a fair, equitable, and planned fashion.